

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA  
Montana Fourth Judicial District Court, County of Missoula

STATE OF MONTANA,	)	
	)	
Plaintiff,	)	
	)	CAUSE NO. DC-18-187
	)	
	)	D E C I S I O N
TONY LEE FRANK,	)	
	)	
Defendant.	)	

On October 9, 2018, Defendant was sentenced to the Missoula County Detention Center for one year for Count I: Partner or Family Member Assault – 1<sup>st</sup> Offense. As to Count II: Partner or Family Member Assault – 2nd Offense, he was sentenced to the Missoula County Detention Center for one year. As to Count III: Partner or Family Member Assault – 3<sup>rd</sup> or Subsequent Offense, Defendant was sentenced to the Montana State Prison for five (5) years. All sentences were ordered to run concurrently with each other. Counts IV – XII were dismissed.

On February 22, 2019, Defendant's Application for review of that sentence was heard by the Sentence Review Division of the Montana Supreme Court (hereafter "the Division"). Defendant was present and was represented by Brent Getty of the Office of the State Public Defender. The State was not represented.

Before hearing the Application, Defendant was advised that the Division has the authority not only to reduce the sentence or affirm it, but also increase it. Defendant was further advised that there is no appeal from a decision of the Division. Defendant acknowledged that he understood this and stated that he wished to proceed.

Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

The Division finds that the reasons advanced for modification are insufficient to hold that the sentence imposed by the District Court is clearly inadequate or clearly excessive.

Therefore, it is the unanimous decision of the Division that the sentence is **AFFIRMED**.


Done in open Court this 22<sup>nd</sup> day of February, 2019.

DATED this 20<sup>th</sup> day of March, 2019.

SENTENCE REVIEW DIVISION



Hon. Brenda Gilbert, Chairperson



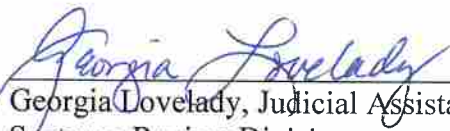
Hon. Dan Wilson, Member



Hon. Luke Berger, Member

Copies mailed this 25<sup>th</sup> day  
of March, 2019, to:

Clerk of District Court (Original)  
Tony Lee Frank #3025202, Defendant (2)  
Hon. Leslie Halligan  
Brent Getty, Defense Counsel  
Brian C. Lowney, Esq.  
Board of Pardons and Parole  
MSP - Records Dept.



Georgia Lovelady, Judicial Assistant  
Sentence Review Division